

#114
11/15/22

(R-2023-196)

RESOLUTION NUMBER R- **314453**
DATE OF FINAL PASSAGE **NOV 28 2022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN 4150 NATIONAL AVENUE, LLC AND THE CITY
OF SAN DIEGO.

WHEREAS, on August 6, 2019, 4150 National Avenue, LLC filed suit against the City of San Diego, alleging property damage from flooding on December 6, 2018, from the Chollas Creek watershed. The suit is entitled *4150 National Avenue, LLC. v. City of San Diego*, San Diego Superior Court Case No. 37-2019-00040972-CU-EI-CTL (Litigation); and

WHEREAS, in closed session on October 11, 2022, the San Diego City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, none; Absent, 8, approved the settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$423,689.52 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the Litigation.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$423,689.52 from Public Liability Fund No. 720045, for purpose of settling the Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Catherine L. Turner
Catherine L. Turner
Deputy City Attorney

CLT:jn
October 12, 2022
Or Dept: City Attorney
CC No. 3000015210
Doc. No. 3115124

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022

ELIZABETH S. MALAND
City Clerk

By Krystell Medina
Deputy City Clerk

Approved: 11/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

CERTIFICATE OF UNALLOTTED BALANCE

DEPT. _____
NO: **1211**

Passed by the Council of The City of San Diego on NOV 15 2022 by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 28 2022.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristall Medina, Deputy

Office of the City Clerk, San Diego, California

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